

* * R E M A R K S * *

Applicant wishes to acknowledge with appreciation the Examiner's analysis and efforts in examining this application.

The Official Action of July 18, 2006, has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

On pages 2-4 of the Official Action, the Examiner rejected Claims 1-3, 5-9, and 12-14 under 35 U.S.C. § 103(a) as being obvious under Ward (U.S. Patent No. 5,203,613) in view of Posey (U.S. Patent No. 2,851,033). The Examiner alleges that Ward teaches a shopping cart including a restraining device very similar in function and structure to applicant's. The Examiner continued that the restraining apparatus has shoulder straps with an adjustable clasp, buckle or slip and ends having snap fasteners. The Examiner asserted that Ward also teaches a waist belt (16A) and a crotch member (17), but lacks the teaching of a chest panel.

The Examiner further alleges that Posey teaches a restraining apparatus for restraining a person in a seat, the restraining apparatus including: first and second shoulder straps (19, 20) positionable over the person's shoulders, each of the first and second straps (19, 20) having first and second ends; the first ends of the first and second shoulder straps (19, 20) are selectively attachable to a first horizontal support strap member (11); a chest panel (10); the second ends of the first and second shoulder straps (19, 20) are attached via connector links (17, 18) to the chest panel (10); first and second belt segments, each having first and second ends such that the first ends of each of the first and second belt segments (strap 15) are attached to the chest panel (10); the first and second belt segments extend from the chest panel (10) and are positionable about the torso and a chair back (as described in column 1, lines 22-36, column 2, lines 2-11 and shown in Figures 1 and 2); and the second ends of the first and second belt

segments are selectively attachable to each other via buckle (16). The Examiner concluded that based on the teachings of Posey, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to replace the restraining apparatus of Ward with an apparatus that has a chest strap to secure the user in a sitting position with safety and without fear of falling/tipping over. It would have been obvious to one having ordinary skill in the art to construct the restraining apparatus to have detachable ends instead of sewn ends to facilitate use of the restraining apparatus in several different situations. It would have been obvious to attach an adjustable crotch strap having selectively attachable ends, like the crotch strap taught by Ward in column 5, lines 44-51, to the chest panel of the restraining apparatus of Posey to prevent the user from sliding forward and to prevent injury.

Claim 1 has been amended to include the first ends of the first and second shoulder straps attaching to the first bar of the shopping cart via clasps. This amendment was made to clarify the claimed invention. Support for the amendment can be found in Fig. 1, for example. Ward teaches both first and second ends of the shoulder straps attaching to a belt (Figs. 1, 2, 8-10) or shoulder straps (with no belt) attaching to the rear and forward horizontal bars on a shopping cart (Figs. 5-7). In contrast, the invention of Claim 1 includes shoulder straps that attach to the shopping cart at one end and the chest panel at the other, and belt segments that attach to the chest panel and are positionable about the torso of a juvenile and the second bar of the shopping cart. The teaching of Posey, likewise, does not describe the claimed invention or make it obvious. The shoulder straps 19 and 20 of Posey include a loop (see Fig. 4) that receives chest strap 11, rather than part of a chair or shopping cart (see, also, Figs. 1 and 2). In essence, what is shown in Posey is not substantially different than what is shown in Ward – i.e., shoulder straps attached to belt segments. The reason for this is that the teachings of both Ward's Figs. 1, 2, 8-10 and Posey's Figs. 1, 2 are directed to preventing a person from slipping downward out of a chair, not upward out of a shopping cart as in the claimed invention. The shoulder straps in

both Ward and Posey are attached to belt segments because they assist preventing the person from sliding out of the chair. This is not the issue in a shopping cart. When comparing those figures to Fig. 1 of the present application, it can be seen that the problem being solved in the present invention is not sliding downward off a chair, but rather preventing movement upward out of the shopping cart. This is why there are clasps that attach the shoulder straps to the bar rather than the belt segments. Accordingly, it is respectfully believed the combination of Ward and Posey do not teach or suggest the claimed invention. Withdrawal of the rejection is, therefore, respectfully requested.

With regard to claims 5 and 9 the Examiner identified in her office action, their rejections are believed moot in light of the preceding arguments. Accordingly, withdrawal of these rejections are also respectfully requested.

On page 4 of the Office Action, the Examiner rejected Claim 4 under 35 U.S.C. 103(a) as being obvious under Ward ('613) and Posey ('033) as applied to Claim 1 above, and further in view of Girardin (U.S. Patent No. 6,547,334). The Examiner alleges that the combination of Ward and Posey teach the features described above; the combination of Ward and Posey lack the teaching of padding; and that Girardin teaches padded areas (30, 31). Based on the teaching of Girardin, the Examiner determined it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the chest panel to include padded material to protect the user against chafing.

Again, this rejection is believed moot in light of the preceding arguments. Accordingly, withdrawal of this rejection is respectfully requested.

It is believed that the above represents a complete response to the Official Action and favorable reconsideration by the Examiner is requested. The proposed amendments do not raise new issues that would require further consideration and/or search, do not raise the issue of

Serial No. 10/669945
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new matter, do not increase the number of claims in the application, and are deemed to place the application in better form for either allowance or appeal by reducing or simplifying the issues for appeal.

If, upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (31274/82679) and please credit any excess fees to such deposit account.

Respectfully submitted,



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